

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHNNY WHITE,

Plaintiff,

v.

IPX 1700 SOUTH BIG BEND, LLC,

Defendant.

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No. 4:21-CV-1332 RLW

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Johnny White's Motion to Set Aside Default Judgment. (ECF No. 21). For the reasons below, the Court will grant the motion.

BACKGROUND

Plaintiff filed this action on November 10, 2021, alleging that Defendant IPX 1700 South Big Bend, LLC, violated the Americans with Disabilities Act. (ECF No. 1). Plaintiff served Defendant on January 21, 2022. (ECF Nos. 9 and 11-1). Under Rule 12(a) of the Federal Rules of Civil Procedure, Defendant's Answer was due by February 11, 2022. (ECF No. 9). Defendant failed to answer or otherwise respond. (ECF No. 11-1). Plaintiff then filed a Motion for Entry of Clerk's Default (ECF No. 11), and a Motion for Default Judgment. (ECF No. 12). The Clerk of the Court entered default on March 15, 2022, (ECF No. 14). The Court granted Plaintiff's Motion for Default Judgment on April 11, 2022. (ECF No. 20).

DISCUSSION

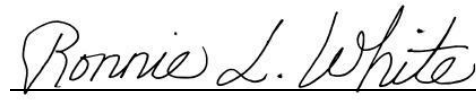
Plaintiff avers that the default judgment has been satisfied because Defendant has corrected all ADA violations at issue in this matter. (ECF No. 21). Under Rule 60(b)(5) of the Federal Rules of Civil Procedure, the Court may relieve a party from a final judgment, order, or proceeding if the judgment has been satisfied, released, or discharged. Fed. R. Civ. P. 60(b)(5).

In its Order dated April 11, 2022, the Court ordered Defendant “to bring its real property into compliance [with the ADA] as delineated in detail in Plaintiff’s Complaint.” (ECF No. 20, p. 3). According to Plaintiff, Defendant has done so. (ECF No. 21). Because the judgment has been satisfied, released, or discharged, the Court is persuaded that good cause exists to set aside its default judgment against Defendant.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Motion to Set Aside Default Judgment (ECF No. 21) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall set aside the default judgment entered in favor of Plaintiff Johnny White and against IPX 1700 South Big Bend, LLC, on April 11, 2022 (ECF No. 20).



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of July, 2022.